

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND

2022 JAN 25 PM 4:19
(Greenbelt Division)
U.S. BANKRUPTCY COURT
DISTRICT OF MARYLAND

Case No. 21-13392-TJC

Chapter 7

JOHN A. VARRON and
GABI L. HERNANDEZ
16309 Alderwood Lane
Bowie, Maryland 20716

Defendants,

John P Fitzgerald, III
Acting United States Trustee
For Region 4,

Adversary No. 21-00229- TJC

Plaintiff,

**RESPONSE TO COMPLAINT TO REVOKE DISCHARGE OF JOHN A. VARRON AND DENY
DISCHARGE OF GABI L. HERNANDEZ**

John A. Varron and Gabi L. Hernandez, acting as defendants, files this to respond to complaint to revoke discharge of John A. Varron and deny discharge of Gabi L. Hernandez. In support of this answers, John A. Varron and Gabi Hernandez states as follows:

REVOCATION OF DISCHARGE: JOHN A. VARRON

2022 JAN 25 PM 4: 19

I, John Varron, was not aware that I had any interest in a property located in a South American country of Colombia. I am not from Colombia, nor do I speak or understand Spanish. All my family is here in the U.S. I have never paid any mortgage or contributed with any money to any property in Colombia. Nor have I ever received any kind of statement or seen a document with my name showing me of my possession of a property located in Colombia. I have one real property located at 16309 Alderwood Ln, Bowie Maryland in which I pay and contribute to expenses and mortgage; At the time of filing for chapter 7 I did not fraudulently conceal any real property located in Colombia, since I was unaware that I had any interest in any property. I would not hide a property which I have no intention of ever living there, and disclose my only place of residence in the U.S. I would have certainly surrendered the Colombian property before my own residency. I would not have tried to hide a property of which I had no interest in.

About Bancolombia bank account, I was not aware Gabi had a saving account with bancolombia, I have never received any money from that account or deposited, the only bank account I had known she had was the Bank of America that I knew existed because she used to pay mortgage from there and we have separated accounts to keep our finances. I am not aware of any business or her personal finances in Colombia. I want the Trustee and courts aware of our marriage situation. We have no children, mine ours from my first marriage. I make a point of not getting involved in any of Gabi's business. Mostly for the reason of stress. I suffer from very much anxiety. The less I know is better, at least that's what I believed. I have visited Colombia about three times. Each time was to spend time with her family and sightseeing. I have never conducted any business dealings there. I never plan on living in Colombia. At the time of filing Chapter 7, I never thought of myself having any connection to Colombia, except for my wife being from there.

About Talk Mobile, LLC, yes, I had created the company up, but never did pursue it any further. I did not list it, for that reason. I never earned any income or anything with the company. In all honesty I had forgotten I even created it. I certainly was unaware Gabi was conducting her business under Talk Mobile until filing. After enquiring to Gabi, I was told by Gabi that this company could not be added to the filing case since she was not adding a ELD loan from SBA and that the only reason the business was operating at that moment, was because of that funds from SBA and she was not requesting discharge on that obligation, I assumed that was correct and I also assumed she had discussed this matter with the previous counseling and that it was correctly, I never had intention to hide or not display that company, I don't have any interest in that business nor do I manage it. I have devoted 35 years to one business, which I am currently employed.

As a veteran and someone who is been loyal to a single company for over 35 years and not have

any history of fraudulent dealings for my entire life. I think it should say something about my character. I deny that I was intending to hinder, delay, or defraud a creditor in any way. I am certainly not a criminal and am appalled to learn of the allegations and judgement of me, before ever being asked about it.

DENIAL OF DISCHARGE: GABI L. HERNANDEZ

About Colombia property I, Gabi Hernandez oppose to the considerations about the intent to hinder, delay, or defraud a creditor or an officer of the state; About this property it is true that the property exist in Colombia, however, it is not true that I intended to hide, delay, or defraud a creditor or an officer of the state intentionally, in any way I had that intention, the situations that occurred is explained in the following;

The Colombian property, belongs to my dad who is 75 years old, is not able to work and doesn't have pension either, the reason is because he sold out his primary property and invested as part of down payment on this house. At that moment, I was the only one able in our family to help support him on that project. My siblings agreed that in the future when my dad passed away I would the inherit this property since they were not able to support him financially, they decided to put my name on the property. My name was there solely with that intention. I never considered this property as belonging to me or ever considered living there. As this property's only intention was and remains my dad's solely primary residence. Also living there is my sister who has a 3-year-old child, and my nephew that is 22 years old with special needs condition. This house is protected by Colombian law and cannot be sold because when they bought it the conditions to protect the property were proved and verified. The intention was for a family primary residence, elderly, kids, and a person with special health condition. and no other property with that protection already exist. In addition, by the time my family purchased that house, I was married, and by law, I was to give the name of my husband. John has no ownership or any interest on that property, his name is there registered by legal procedure. John would not have any claim to this property as being owned.

This house is protected by Colombian law and cannot be sold unless a family judge authorizes its sale and ensures that the elderly and children and the entire family living there have a place to live before selling the house, and that they are not left unprotected. The Colombian Constitution states:

"Artículo 42. La familia es el núcleo fundamental de la sociedad. Se constituye por vínculos naturales o jurídicos, por la decisión libre de un hombre y una mujer de contraer matrimonio o por la voluntad responsable de conformarla. El Estado y la sociedad garantizan la protección integral de la familia. La ley podrá determinar el patrimonio familiar inalienable e inembargable"

"Article 42. The family is the fundamental nucleus of society. It is constituted by natural or legal ties, by the free

decision of a man and a woman to marry or by the responsible authority. The State and society guarantee the comprehensive protection of the family. The law may determine the inalienable and unseizable family patrimony"

to comply with the National Constitution, the government has created two laws that apply in Colombia:

Ley 70 de 1931: TITLE II.

OF THE FAMILY PATRIMONY REGIME

ARTICLE 21. Family assets are not seized, even in the event of bankruptcy of the beneficiary. The consent given by the latter for the seizure shall have no effect.

ARTICLE 22. Family assets cannot be mortgaged or taxed with a census, nor given in anticresis, nor sold with a retro sale agreement.

LAW 258 OF 1996

(January 17)

"By which the affectation to family housing is established and other provisions are issued."

The Congress of Colombia, DECREE:

CHAPTER I

Impact on family home

Article 1. Amended by art. 1, Law 854 of 2003. Definition. Family housing is understood to be the real estate acquired in its entirety by one of the spouses, before or after the celebration of the marriage destined to the family room

Article 2. Constitution of the affectation. The affectation referred to in the previous article operates by operation of the law with respect to the dwellings that are acquired after the effective date of this law.

The properties acquired before the validity of this law may be assigned to family housing by means of a public deed issued by both spouses, or in accordance with the notarial or judicial procedure established in this law.

Article 3. Double signature. The properties assigned to family housing may only be alienated, or a lien or other real right on them may only be established with the free consent of both spouses, which shall be understood to have been expressed with their signature.

Article 4. Lifting of the affectation. Both spouses may raise at any time, by mutual agreement and by means of a public deed submitted for registration, the affectation of the family home.

In any case, the affectation may be lifted, at the request of one of the spouses, by virtue of a court order in the following events:

1. When there is another home inhabited by the family or it is even summarily proven that there will be; These circumstances will be qualified by the judge.
2. When the competent authority decrees the expropriation of the property, or the tax executions judge declares the existence of a tax obligation or contribution of a public nature.
3. When one of the spouses is judicially suspended or deprived of parental authority.
4. When the absence of either spouse is declared in court.
5. When the civil incapacity of one of the spouses is declared judicially.

6. When the conjugal partnership is dissolved for any of the causes provided by law.

7. For any just reason appreciated by the family court, at the request of a spouse, the Public Ministry or a third party injured or defrauded by the affectation.

Paragraph 1. In the events contemplated in the second numeral of this article, the expropriating public entity or creditor of the tax or contribution, may request the lifting of the affectation.

The only property that I consider owning is the house in Bowie Maryland, which is our primary residence and the only place I count to live right now; despite my name is there, my only interest is for my family primary residence in Colombia.

By the moment we listed the properties in the chapter 7 filing I was in so much confused and situations going on with business, pandemic, family situations, overcoming Covid that me and my husband had, I was also having many conflicts with the counselor, in which I didn't even have chance to discuss anything with them except for answering questions to like a police officer to fill up forms, I had to make all the decisions on my own and perhaps it was my mistake to have chosen a law firm that only wanted to charge and did not have the patience or willingness to help and give confidence to their client to understand all situations and explain all the different options available to carry the case. After I had the first conversations with the attorney Tommy Andre's I assumed he was going to be the attorney working with me and handling the case, until later I received a phone call from Dereck Bathrick, calling to schedule a phone call, when he called back to have the conversation with me I wasn't able in that moment, I was driving and about pulling to the parking on my house to answer his call, I immediately called him back, then he literally yelled at me and spoke to me in a derogatory way saying "you must answer the phone" and did sound so angry, when I detected that situation I told him "I am sorry I don't want to work with you, I want to work with somebody else, he said "not mam you must work with me" From that moment on, I had a real nightmare every time I had to talk to him, the way he spoke to me was fast with a lot of eagerness. Whenever I mentioned something, he will always judge me and tried to accuse me if I mentioned anything that I had to solve or talk to about something pending to be solved, he will always advise me, if you forgot something you are a criminal, I will withdraw the case, you have to find a criminal attorney and I also have the obligation to file a report to the department of justice, he always dedicated himself to putting me in a lot of fear and always threatened to file a report to the department of justice.

I was managing the process myself because my husband didn't know anything about my business, bank accounts, he doesn't even understand anything, and he was never involved in the meetings and conversations with the attorney; From the first part of the process my husband was clear on what he had and owe so he gave to us his paper work, the complexity case was with all my business and transactions in which John was unaware of it.

I assumed that despite my name is on that house letting that out of the filling was the correct way since the house cannot be sold, not in my financial assets. In any moment, I was trying to hinder, delay, or defraud a creditor. Neither I continue to conceal that property I already displayed it and explained the real situation and my intentions.

About Bancolombia Bank Account

The Bancolombia account is true that I forgot to include it in the list of bank accounts, as well as I was wrong to put a Capital One account that was not mine, however, when I realize about it, I made a phone call on October 03 2021 to request a Statement of Bancolombia, on October 05-2021 I had it sent to my previous counselor, as they always did throughout the process they tried me and advised me to get a criminal lawyer because I forgot to include a bank account, they did not make any amendment, I didn't even knew what would be the legal procedure in that case. When I sent an email requesting that from that date and moving forward, I had decided to get another counselor to represent me and make all the necessary corrections then was when they decided to send the report to amend the bancolombia and de Capital One Bank accounts, but in any way, I was trying to hide or fraudulently concealed my interest in a saving account with Bancolombia.

By that time, I had so many situations going on at the same time, creditors calling me every day, closed stores, dealing with T-Mobile, paperwork going on, receiving every day legal notifications from courts, the intention was not to hide a bank account. I was going through a very stressful situation, in which everything was being hampered.

I also want to clarify that I was working to amend the bancolombia bank account despite being told by my attorney that the examination process was only about Gsm Wholesale and that nothing was requested about my personal. On the date of October 7, I sent an email to Andrews Law Firm to make sure they were going to send all bank account statements to Manassas Law Firm in regards of subpoena for the examination 2004 from the companies Gsm Wholesale, LLC and Gmobol, LLC, I was surprised when the attorney told me "You have to make it happen because we don't represent Gsm Wholesale we only represent you as personal, and the only paperwork they are requesting for the examination process is about your companies and nothing is about your personal". They advised me not to be worried about my personal because all they were requesting was about the company. Even the day I went to the examination, I didn't know that all questions they were going to make were all about my personal transactions and other personal questions like my legal status in the US, if I was planning to go back to Colombia, how many sisters I have and so many more questions, I was prepared with all company statements and other documents to answer the company investment with that loan, but never to answer personal

questions. I was advised by my previous counselor that the legal terms of the request that Swift Financial had filed for the examination 2004 was all about the company and nothing about my personal, apparently when they filed the motion for the first time, they had to do it separately for each company, but they didn't, so they had to correct it, and when they did the correction, they didn't request anything about my personal. Finally, during the examination process, they didn't even ask a single question about the loan.

During my whole life working, doing business, hiring people, and contributing in somehow to the economy of this country, I have never had the intention of committing any fraud or something similar, that way of acting is not part of my conduct. I have always paid my debts on time and never defaulted, until pandemic time. I have never been involved in fraud or any type of similar things, always with transparency in all my actions.

About Talk Mobile, LLC

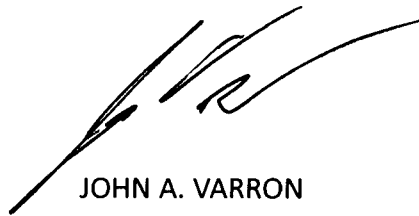
I created the Talk Mobile in my husband's name with the only intention to move later funds from a SBA loan, it wasn't a PPP loan, it was an ELD funded by SBA with the only purpose to help small business to keep operating, the purpose of this loan wasn't to pay penalties for early lease termination or neither to pay commercial loans, the only purpose was to help small business to keep normal operations, purchase inventory, payroll, rents and regular expenses. I had created this business to help start paying back the business loan I had received from the SBA. By this time, I had many court letters from different creditors requesting to seize all my bank accounts because not paying commercial loans and penalties for early lease termination. I was just trying to keep working or moving employees that I had into that company, John had nothing to do with this, he asked me about it when we were filing chapter and I explained him with my best knowledge that I cannot list that company since I wasn't either listing the SBA loan to be discharged, the SBA loan was at that moment and remains the only financial assets that this company has and the reason it is operating; I understood that requesting to discharge that loan was meaning to liquidate the company as well, so I decided to put it aside.

I did it with the best intentions after everything was crashing down, all small business were fighting to keep alive in some way, I was not the only business that was trying to survive in the middle of a pandemic. Due to the pandemic, sales had dropped significantly and my business, along with many more small businesses failed. I can tell you; all the big business were not willing

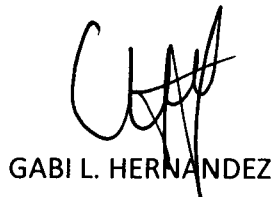
to work with me at all. Ex, Rapport, a million-dollar company, still demanded full payments on the leases of my 3 stores. T-Mobile gave me a deadline to reopen all locations but at the same time they cut the credit line to place orders and made things even harder by changing the process and cutting down the payments and benefits. I was very surprised that they were not willing to work with me, especially during a worldwide crises time. Regarding my husband's involvement in the LLC, I was not in any way trying to make a false oath in connection with this case by failing to disclose Mr. Varron's membership interest in Talk Mobile, LLC. This was my business dealings and did not want my husband responsible for any of my failed business dealings.

Respectfully submitted,

Date: December 06, 2021,



JOHN A. VARRON



GABI L. HERNANDEZ

UNITED STATES BANKRUPTCY COURT GREENBELT - NIGHT BOX

FOR THE DISTRICT OF MARYLAND 2022 JAN 25 PM 4:20

at Greenbelt

U.S. BANKRUPTCY COURT
DISTRICT OF MARYLAND

IN RE: John A Varron

* Case No. 21-13391- TJC

Gabi L. Hernandez

Debtor(s)

* Chapter 7

John P Fitzgerald, III

Acting United States Trustee

For Region 4,

Plaintiff

vs.

* Adversary No. 21-00229- TJC

[Defendant(s) John A Varron

Gabi L. Hernandez

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of January 2022 , a copy of Response To Complaint To Revoke Discharge Of John A Varron And Deny Discharge Of Gabi L. Hernandez was hand delivered to:

John P Fitzgerald, III

Acting United States Trustee

For Region 4,

6305 Ivy Lane,

Suite 600,

Greenbelt, Md

Signature: _____